

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**(1) PATRICIA O’FARRELL, Personal)
Representative of the Estate of Samuel)
Joseph Dash, Deceased,)
)
Plaintiff,)**

vs.)

Case No. 12-CV-633-CVE-TLW

**(1) STATE FARM MUTUAL)
AUTOMOBILE INSURANCE)
COMPANY,)
)
Defendant.)**

NOTICE OF REMOVAL

The Petitioner, State Farm Mutual Automobile Insurance Company (“State Farm”), Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Tulsa County, entitled Patricia O’Farrell, Personal Representative of the Estate of Samuel Joseph Dash, deceased v. State Farm Mutual Automobile Insurance Company, Case No. CJ-12-5510. Process was served upon State Farm by serving the Oklahoma Insurance Department by certified mail on October 22, 2012. A copy of the Petition setting forth Plaintiff’s claim for relief is attached hereto and marked Exhibit 1. A copy of the Summons served upon State Farm is attached hereto and marked Exhibit 2.

2. State Farm's principal place of business is in the State of Illinois, and it is incorporated in the State of Illinois. Plaintiff is a citizen and resident of the State of Oklahoma. The (Petition, ¶ 1, Exhibit 1). The decedent, Samuel Joseph Dash, was a resident and citizen of Oklahoma at the time of his death. (Petition, ¶ 3, Exhibit 1). The estate of Samuel Joseph Dash is

pending in the District Court of Tulsa County, State of Oklahoma, Case No. PB-20120322. Plaintiff's cause of action is for declaratory judgment relating to the rights of the parties under an automobile insurance policy. The matter in controversy between Plaintiff and State Farm, according to Plaintiff's demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interests and costs. (*See* Plaintiff's Petition, ¶ 9, Exhibit 1). Specifically, Plaintiff seeks to recover One Hundred Thousand Dollars (\$100,000.00) under the subject insurance contract. (*See* Plaintiff's Petition, ¶ 17, Exhibit 1).

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992), by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiff's demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by State Farm pursuant to 28 U.S.C. § 1441(a).

4. This Notice of Removal is filed in this Court within thirty (30) days after October 22, 2012, the date State Farm was served with a copy of Plaintiffs' Petition, which was the initial pleading setting forth the claim for relief upon which this is based. (*See* Summons/Return of Service, Exhibit 2).

5. Copies of all process, pleadings, and Orders served upon Defendant, State Farm, have been attached hereto as Exhibits 1 and 2. Pursuant to LCvR 81.2 a copy of the state court docket sheet is attached as Exhibit 3.

WHEREFORE, Defendant, State Farm Mutual Automobile Insurance Company, prays that this action be removed.

Dated this 13th day of November, 2012.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,
BRITTINGHAM, GLADD & CARWILE**

A PROFESSIONAL CORPORATION

/s/ John S. Gladd

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2012, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Greg A. Farrar
Farrar & Farrar, P.C.
2012 S. Lewis, Suite 420
Tulsa, OK 75104

/s/ John S. Gladd

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